

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04-cv-251-DCB-FKB

TATE REEVES, as Governor of

The State of Mississippi, et al.

DEFENDANTS

ORDER

Before the Court is the Plaintiffs' Response to Defendants' Notice of the Impact of the Novel Coronavirus (COVID-19) on Defendants' Obligations Under the 2nd Modified Mississippi Settlement Agreement and Reform Plan. [ECF No. 892]. In their Response, the Plaintiffs request that Defendants take measures to preserve the Constitutional Rights of Children in the State's care, and moreover, Plaintiffs request that the Defendants document efforts which are being made to make contact through remote means.

On March 26, 2020, the Defendants filed a second Notice of the Impact of the Novel Coronavirus ("Second Notice"). The Second Notice addresses the Plaintiff's concerns about documentation, stating that the Mississippi Division of Child Protective Services has provided its caseworkers with guidance on recording/documenting "contact made through remote means as opposed to in-home visits." [ECF No. 893] at 2. Defendants'

second Notice also states that the guidance promulgated to its caseworkers will "enable future reporting to the Monitor and Plaintiffs with instances of where work could not be completed because of the impact of COVID-19." Id.

Defendants have responded to the Plaintiffs' primary concerns. The only topic not addressed in the Second Notice is the Plaintiffs' request that the Defendants, upon return to normal operating procedures, identify which provisions of the 2nd MSA were impacted by COVID-19 and why COVID-19 necessitated noncompliance with those provisions. Inasmuch as this information cannot be provided until the full extent of the COVID-19 is felt, the Court will address this issue at a later date. However, the Defendants must keep diligent track of any and all changes that are necessitated by COVID-19, so that, upon return to normal operations, it shall be able to submit a comprehensive report.

SO ORDERED, this the 2nd day of April, 2020.

 /s/ David Bramlette
UNITED STATES DISTRICT COURT